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CONTAE AN CHLÁIR | COUNTY COUNCIL

**Kashif Hamid
3 A Bru Na Sionna
Shannon
Co. Clare
V14 EH42**

9th September 2025

Section 5 referral Reference R25-72 – Kashif Hamid

Is the removal of 2 chimney stacks from the roof of 6 Tola Park, Shannon development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th August 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to An Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas

**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúirtheacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

Reference No.: R25-72



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-72

Is the removal of 2 chimney stacks from the roof of 6 Tola Park, Shannon development and if so, is it exempted development?

AND WHEREAS, Kashif Hamid has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2,3 and 4 of the planning and Development Act,2000, as amended.
- (b) The works as indicated in submitted documents from the referrer on 14th August 2025.
- (c) The provisions of Section 4(1) (h) of the planning and Development Act 2000 (as amended).

And whereas Clare County Council has concluded:

The stated works and development within the meaning of the planning and development Act 2000 (as amended) and are exempted development in keeping with the provisions of section 4 (1) (h) of the Planning and Development Act 2000 (as amended)

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the removal of 2 chimney stacks from the roof at 6 Tola Park, Shannon, Co. Clare, V14 TY23 constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Anne O'Gorman

Staff Officer
Planning Department
Economic Development Directorate

9th September 2025

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 86264

Reference Number: R25-72

Date Referral Received: 15th August 2025

Name of Applicant: Kashif Hamid

Location of works in question: 6 Tola Park, Shannon, Co. Clare, V14 TY23

Section 5 referral Reference R25-72 – Kashif Hamid

Is the removal of 2 chimney stacks from the roof of 6 Tola Park, Shannon development and if so, is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2,3 and 4 of the planning and Development Act,2000, as amended.
- (b) The works as indicated in submitted documents from the referrer on 14th August 2025.
- (c) The provisions of Section 4(1) (h) of the planning and Development Act 2000 (as amended).

AND WHEREAS Clare County Council has concluded:

The stated works and development within the meaning of the planning and development Act 2000 (as amended) and are exempted development in keeping with the provisions of section 4 (1) (h) of the Planning and Development Act 2000 (as amended)

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE :

pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby

declare that the removal of 2 chimney stacks from the roof at 6 Tola Park,
Shannon, Co. Clare, V14 TY23 is considered development which is exempted
development

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

9th September 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R25-72
APPLICANT(S):	Kashif Hamid
REFERENCE:	Is the removal of two chimney stacks from the roof of 6 Tola Park Shannon, development and, if so, is it exempt development.
LOCATION:	6 Tola Park Shannon
DUE DATE:	10th September

Site Location

The subject dwelling is located in the settlement of Shannon and the subject dwelling is located within St Tolas Park Housing estate at Shannon.



Figures 1 and 2; Front and back views of subject dwelling.

Planning History

No recent planning applications on the proposal site.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Kashif Hamid

The referral question as has been asked as per the application form submitted is:

Is the removal of 2 chimney stacks from the roof of 6 Tola Park, Shannon, Development, and if so is it exempted development.

In terms of a full description, the following details are provided.

- The referrer is the owner of the property
- The referrer would like to remove the 2 chimney stacks from the roof to allow for space on his roof for solar panels, as well as more space inside the house inside the house and to improve the energy efficiency of the house.
- The chimneys are shown in a photo submitted with this section V and are located to the rear of the house.

Appropriate Assessment

The subject dwelling is located within an established residential area and is surrounded by residential uses. In this case a referral is sought as to whether the removal of two chimney stacks from this dwelling constitutes development if it is so, is it exempt development.

Having regard to:

- The small scale and domestic nature of the development,
- The existing residential use on this site and on surrounding sites.

It is considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required

Statutory Provisions

(1) Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to Section 3(1) the *Planning and Development Act 2000, as amended*.

S.3.(1) In this Act, "development" means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.

Works are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Assessment.

Having regard to the changes proposed to the house, the changes are considered to be both development and works.

Section 4(1)(h) of the Planning and Development Act, 2000 (as amended)

(1) *The following shall be exempted developments for the purposes of this Act –*

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

Assessment.

It is proposed to remove two chimneys from the roof of the dwelling. In this case the removal of the chimneys is considered to be work for the maintenance and alteration of the dwelling and is considered to be work which would not materially alter the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures and the removal of the chimneys is considered to be exempted development in keeping with Section 4(1) (h) of the *Planning and Development Act 2000 as amended*.

Conclusion

Basis of Referral

The applicant is seeking a Section 5 Declaration as to the following.

Is the removal of 2 chimney stacks from the roof of 6 Tola Park, Shannon, Development, and if so, is it exempted development.

Considerations

- Details received from the referrer on 15th August 2025
- Section 4 (1) (h) of the Planning and Development Act 2000 (as amended)
- Sections 3 and 4 of the Planning and Development Act 2000 (as amended)
-

Conclusion

The proposal to remove two chimney stacks from the roof of 6 Tola Park Shannon in accordance with the details received with this referral on 15th August 2025, is considered to be exempted development in keeping with Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

Recommendation

The following question has been referred to the Planning Authority:

"Is Planning Permission required in order to add Velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use ?"

The question has been asked as to whether the above stated work is development and if so, is it exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer on 14th August 2025
- (c) The provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

And whereas Clare County Council (Planning Authority) has concluded that the stated works are development within the meaning of the Planning and Development Act 2000 (as amended) and are exempted development in keeping with the provisions of section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Name: Annemarie McCarthy

Executive Planner

Date 08/09/25

A McCarthy
08/09/25



Name: Garreth Ruane

Senior Executive Planner

Date 08/09/25



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Kashif Hamid
3A Bru Na Sionna
Shannon
Co. Clare
V14 EH42

15/08/2025

Section 5 referral Reference R25-72 – Kashif Hamid

Is the removal of 2 chimney stacks from the roof of 6 Tola Park, Shannon development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th August 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



COMHAIRLE

CONTAE

AN CHLÁIR



Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co. Clare

15/08/2025 12:44:17

Receipt No. L1CASH/0/382902
***** REPRINT *****

KASHIF HAMID
3A BRUNASIONNA
SHANNON
CO. CLARE

R25-72

CONTAE

AN CHLÁIR

SECTION 5 REFERENCES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

Issued By : L1CASH - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AF
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P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R25-72

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	KASHIF HAMID 3A BRU NA SIONNA SHANNON V14 EH42
(b) Telephone No.:	[REDACTED]
(c) Email Address:	[REDACTED]
(d) Agent's Name and address:	n/a

2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

IS THE REMOVAL OF 2 CHIMNEY STACKS FROM THE
 ROOF OF 6 TOLA PARK, SHANNON, DEVELOPMENT AND
 IF SO IS IT EXEMPTED DEVELOPMENT?

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

I AM THE OWNER OF 6 TOLA PARK IN
 SHANNON AND I WOULD LIKE TO REMOVE THE
 TWO CHIMNEY STACKS FROM MY ROOF
 WHICH WILL ALLOW FOR SPACE ON THE ROOF
 FOR SOLAR PANELS AS WELL AS MORE SPACE
 INSIDE THE HOUSE AS WELL AS IMPROVE
 THE ENERGY EFFICIENCY OF THE HOUSE. THESE
 CHIMNEYS ARE SHOWN IN THE ATTACHED
 PHOTO AND ARE LOCATED TO THE REAR OF
 THE HOUSE.

REGARDING THE €80 FEE, I DONT HAVE A
 CHEQUEBOOK BUT I CAN PAY OVER THE PHONE.
 MY NUMBER IS 083 177 2352.

- (c) List of plans, drawings etc. submitted with this request for a declaration:
(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

PLEASE REFER TO THE HIGHLIGHTED PROPERTY
 IN THE ATTACHED MAP.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	6 TOLA PARK SHANNON VI4 TY23
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	OWNER
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	n/a
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	NO
(g) Were there previous planning application/s on this site? If so please supply details:	NO
(h) Date on which 'works' in question were completed/are likely to take place:	SEPT 2025

SIGNED:



DATE:

13/8/2025

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	



6 TOLA PARK, SHANNON (BACK)

Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 540267,662458

PUBLISHED: 13/08/2025
ORDER NO 50484276_1

MAP SERIES: 1:1,000
1:1,000
1:2,500
MAP SHEET 4618-01
4618-06
4618-A

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Dublin 8,
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D08F6E4

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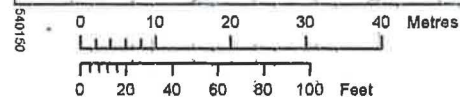
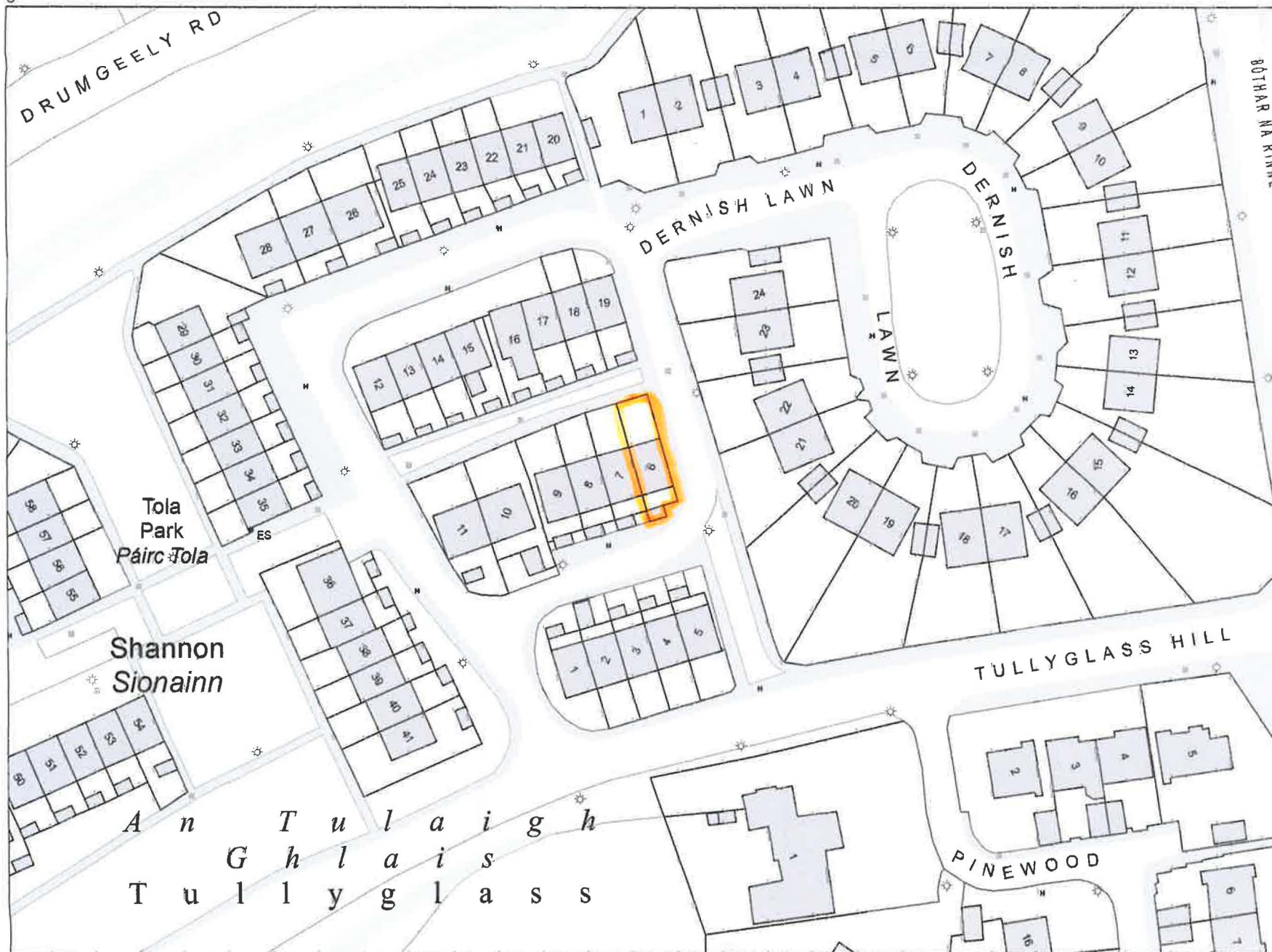
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